

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)	
v.)	
DECARLO LAMONT WHITLEY)	Case No: 3:02CR00161-001
Date of Previous Judgment: 12/18/2003)	USM No: 15067-058
(Use Date of Last Amended Judgment if Applicable))	Randolph Lee
)	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23	Amended Offense Level: 23
Criminal History Category: V	Criminal History Category: V
Previous Guideline Range: 84 to 105 months	Amended Guideline Range: 84 to 105 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No change since the guideline calculations were controlled by the § 922(g) violation in this case.

III. ADDITIONAL COMMENTS

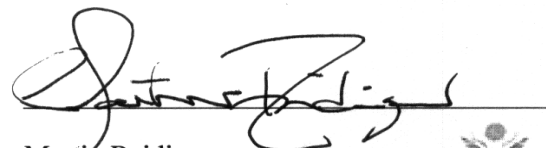
The defendant is also serving a 60-month consecutive sentence on Count Two for a conviction of 18 U.S.C. § 924(c).

Except as provided above, all provisions of the judgment dated 12/18/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 20, 2009

Effective Date: _____
(if different from order date)


Martin Reidinger
United States District Judge